

REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims as amended are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Office Action of July 6, 2007 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Upon entry of this Amendment, claims 1-6, 8-16 and 18-24 remain in the application. New claim 25 has been added herein. Support for this new claim may be found throughout the specification as filed, at least at page 11, lines 21-27. Reconsideration of the claims is respectfully requested.

Claim 23 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that the limitation, "the download requirement" lacks antecedent basis.

Claim 23 has been amended to depend from revised claim 22, which recites "at least one download requirement." As such, Applicants submit that the rejection of claim 23 under 35 U.S.C. 112, second paragraph has been obviated, and withdrawal of the same is respectfully requested.

Claims 1, 2, 11, 12, 14, 16, 21 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knobl et al. (U.S. Patent No. 7,039,708) in view of Yassin et al. (U.S. Patent No. 6,505,780), and further in view of Mocek (U.S. Patent Application Publication No. 2003/0182360). The Examiner states that Knobl teaches the capability of providing vehicle settings from a call center to a telematics unit, and that Yassin teaches receiving an update signal at the call center and sending vehicle settings from the call center to the vehicle responsive to the

update. The Examiner further states that Mocek teaches storing vehicle settings when the telematics unit is negative and transmitting the settings when the telematics unit download status is positive.

While Applicants do not acquiesce to the Examiner's rejection, in order to expedite prosecution, Applicants have amended each of claims 1, 11 and 21 to recite that "...the download status is a fixed status requiring the mobile vehicle to maintain a stationary period for a predetermined fixed time period." Support for this recitation may be found throughout the specification as filed, at least at page 11, lines 21-22.

Neither Knobl nor Yassin teaches determining the download status of the telematics unit and associated components, let alone that the download status is a fixed status requiring the mobile vehicle to maintain a stationary period for a predetermined fixed time period.

Applicants further submit that Mocek does not supply the deficiency of the Knobl and Yassin references. More specifically, the Applicants disagree that Mocek teaches or suggests that the download status is a fixed status requiring the mobile vehicle to maintain a stationary period for a predetermined fixed time period. Mocek does teach that selected telematics preferences are stored with a preference server until the vehicle containing the telematics unit is started. As such, it is submitted that Mocek teaches recognizing the initiation of the vehicle in which the telematics unit is located, **not** a fixed status that relates to the vehicle maintaining a stationary period for a fixed time. Mocek does not consider the status of anything, except the vehicle state (i.e., on or off), when determining whether preferences may be transmitted to the telematics unit. There is no teaching or suggestion in Mocek to determine a fixed status as recited in Applicants' revised claims 1, 11 and 21.

For all the reasons stated above, it is submitted that Applicants' invention as defined in claims 1, 11, 21, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

Claims 8-10, 18-20, 22 and 24 stand objected to as being dependent upon a rejected base claim. The Examiner indicates that these claims would be allowable if rewritten in independent

form including all of the limitations of the base claim and any intervening claims. Claims 8, 18, and 22 have been so rewritten. Claims 10, 12, 14, 16, 20, 23 and 24 have been amended to depend from one of independent claims 8, 18 and 22. As such, Applicants respectfully submit that claims 8, 18 and 22, and those claims depending ultimately therefrom, are now in a condition suitable for allowance.

Applicants note with appreciation the Examiner's indication that claims 3-6, 13 and 15 are allowed.

In summary, claims 1-6, 8-16 and 18-24 remain in the application. New claim 25 has been added herein. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims as amended qualify for entry as placing the application in better form for appeal.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

/Julia Church Dierker/

Julia Church Dierker
Attorney for Applicants
Registration No. 33368
(248) 649-9900, ext. 25
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813
Dated: September 6, 2007
JCD/JRK/jrk